

No. PD-0617-20

**IN THE COURT OF CRIMINAL APPEALS OF TEXAS
AT AUSTIN**

FILED
COURT OF CRIMINAL APPEALS
2/23/2021
DEANA WILLIAMSON, CLERK

THE STATE OF TEXAS, Appellant
v.
EDMUND KAHOOKELE, Appellee

03-18-00399-CR
In the Third Court of Appeals
Austin, Texas

Appealed from the 207th Judicial District Court
Cause No. CR2017-356
Comal County, Texas

STATE'S SECOND MOTION TO EXTEND TIME TO FILE BRIEF

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STATE'S SECOND MOTION TO EXTEND TIME TO FILE BRIEF

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes the State of Texas, Appellant in the above-styled and -numbered cause, and moves for an extension of time of seven days from the current deadline on February 19, 2021 to file its Brief, and for good cause would show the following:

I. Procedural History

After the State appealed the Trial Court's order quashing the indictment, the Third Court reversed the Trial Court's order. *State v. Kahookele*, 604 S.W.3d 200, 203 (Tex. App.—Austin 2020, pet. granted). This Court granted Appellee's petition for discretionary review on October 28, 2020, making his brief due 30 days later. After extensions, Appellee's Brief was filed on or about January 5, 2021. The State's Brief was due on February 19, 2021.

II. The State Respectfully Requests an Extension of Time to File Its Brief.

The Attorney for the State who wrote its Brief on Appeal in the Third Court is likewise writing the State's Brief on Discretionary Review. Since February 4, 2021, she has been busy with intake, grand jury, processing and finalizing pretrial diversion applicants, assisting with protective orders, preparations for a contested

hearing on motions to adjudicate, a contested bond hearing, processing intern applications, and supervising current interns.

She has been working on and partly completed the State's Brief in this case; however, this past week, the office was closed on Monday for a county holiday, and was also closed from Tuesday through Friday due to inclement weather. Although she was able to make some progress on the Brief from home, due to various issues caused by the weather, she has not yet been able to complete the State's Brief. Accordingly, the State respectfully requests a seven-day extension to file the State's Brief. This is the State's second motion to extend the time to file its Brief.

III. Prayer

WHEREFORE, PREMISES CONSIDERED, the State respectfully prays for an extension of seven days—until Friday, February 26, 2021—to file the State's Brief. This extension is not requested for the purpose of delay but so that justice may be done.

Respectfully submitted,

/s/ Joshua D. Presley

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Certificate of Service

I, Joshua D. Presley, Assistant District Attorney for the State of Texas, Appellant, hereby certify that a true and correct copy of this *State's Motion* has been sent to Appellee EDMUND KAHOOKELE's attorney in this matter:

Susan Schoon
susan@schoonlawfirm.com
Schoon Law Firm, P.C.
208 S. Castell, Ste. 201
New Braunfels, TX 78130
Counsel for Appellee on Appeal

In addition to the State Prosecuting Attorney's Office at information@spa.texas.gov by electronic service to the foregoing email addresses, on this, the 22nd day of February, 2021.

/s/ Joshua D. Presley
Joshua D. Presley

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Associated Case Party: Edmund Kahookele

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State Prosecuting Attorney's Office		information@spa.texas.gov	2/22/2021 9:01:52 AM	SENT
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